

1 THE HONORABLE JOHN C. COUGHENOUR
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

v.

12 BRANDAN L. WILKINS,

13 Defendant.

CASE NO. CR19-0063-JCC

ORDER

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15 This matter comes before the Court on the Government's motion to continue the trial date
16 and to set a status conference (Dkt. No. 35).

17 On March 17, 2020, Chief Judge Ricardo S. Martinez issued General Order 02-20 to
18 address the impact of COVID-19 on the Western District of Washington's operations. The order
19 continued all criminal trial dates scheduled to occur before June 1, 2020. W.D. Wash., General
20 Order 02-20 § 2 (Mar. 17, 2020). The order further found that:

21 With regard to criminal matters, due to the Court's reduced ability to obtain an
22 adequate spectrum of jurors and the effect of the above public health
23 recommendations on the availability of witnesses, counsel and Court staff to be
24 present in the courtroom, the time period of the continuances implemented by this
25 General Order will be excluded under the Speedy Trial Act, as the Court
26 specifically finds that the ends of justice served by ordering the continuances
outweigh the best interests of the public and any defendant's right to a speedy trial,
pursuant to 18 U.S.C. § 3161(h)(7)(A). For the same reasons, the Court finds under
18 U.S.C. § 3060(C) extraordinary circumstances exist, and justice requires delay
of all criminal preliminary hearings during the time period of the continuances

implemented by this order.

Id. at § 4; see W.D. Wash., General Order 08-20 (May 13, 2020) (continuing all criminal trials scheduled to occur before August 1, 2020).

Having thoroughly considered the Government's motion and the Court's general orders, the Court hereby FINDS as follows:

1. For the reasons set forth in the Government's motion and General Orders 02-20 and 8-20, the ends of justice served by granting a continuance outweigh the best interests of the public and Defendant in a speedy trial, 18 U.S.C. § 3161(h)(7)(A); and
 2. Failure to grant a continuance would likely make trial impossible, result in a miscarriage of justice, and deny counsel for Defendant and the Government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, 18 U.S.C. § 3161(h)(7)(B)(i), (B)(iv).

For the foregoing reasons, the Court GRANTS the Government's motion (Dkt. No. 35).

The Court VACATES the current trial date of July 20, 2020 and ORDERS the parties to attend a status conference on August 11, 2020, at 9:00 a.m., at which the parties must propose a new trial date. The Court further ORDERS that the time between the date of this order and the status conference is excludable time under the Speedy Trial Act, pursuant to 18 U.S.C. §§ 3161(h)(7)(A), 3161(h)(7)(B)(ii), and 3161(h)(7)(B)(iv).

DATED this 17th day of June 2020.

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John C. Coughenour
UNITED STATES DISTRICT JUDGE